IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 459 OF 2005

SHRI YASHPAL A.RAIKAR, BAIGUINIM, TISWADI GOA. ....Petitioner

Versus

DEEPAK SHIRODKAR AND 3 ORS., ...Respondents

Mr. S. Volvoikar,Advocate for the Petitioner.
Shri S.R. Rivonkar, Advocate for R.2.
Shri J. Vaz, Central Govt. Standing Counsel for R.4.

Coram:- D. D. SINHA &
N. A. BRITTO, JJ.

Date:- 5th December, 2005

P.C.:

Heard Shri S. Volvoikar, learned Advocate for the Petitioner and Shri S.R. Rivonkar, learned Advocate for the Respondent No.2-Bank.

2. The following facts are not in dispute:-

That the Order dated 28.11.2000 was passed by the Sales & Recovery Officer as authorised by the Registrar of Co-op. Societies whereby the principal borrower was directed to refund the loan amount within a period of eight days from the date of the Order. In the year 2000 the present petitioner filed Writ Petition No.456/2004 inter alia questioning the validity of the Order dated 28.11.2000 of the Sales & Recovery Officer. However by Order dated 31st August, 2005 the petitioner was granted permission to withdraw the petition, with liberty to agitate his grievance before the proper forum. The respondent No.2-Bank thereafter issued Notice dated 12.10.2005. The petitioner filed application on 18.10.05 before the Registrar challenging the validity of the Order dated 28.11.2000 passed by the Sales and Recovery Officer. When the petition

was filed, the above referred application was pending on the file of the Recovery Officer and therefore one of the prayers made in the present petition is that till such application is decided, the respondent be prohibited from taking any further steps pursuant to the Order dated 28.11.2000 as well as Notice dated 10.10.05.

3. Shri Rivonkar, the learned counsel for respondent No.2 makes a categorical statement that the application of the petitioner dated 18.10.05 referred to hereinabove is considered by the authority and passed a final order, whereby the said application is rejected by Order dated 10.11.2005. Copy of the order is given to the learned counsel for the petitioner in the Court.

4. In the backdrop of the above referred facts, the learned counsel for the petitioner seeks permission to withdraw the Writ Petition at this stage and further prayed that the issues raised in the present petition be kept open. The counsel for the respondent No.2-Bank does not have any specific objection.

5. In the circumstances, the Writ Petition is disposed of with liberty as prayed for.

D. D. SINHA, J.

N. A. BRITTO, J.

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